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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Sri K. Canakapalli

Serial No.: 09/817,719

Filed: March 26, 2001

For: Enabling Manual Adjustment of
Pointing Device Cursor Speed

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Art Unit: 2675

Examiner: Alecia D. Nelson

Atty Docket: ITL.0558US
P11216

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Technology Center 2600

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF TRANSMITTAL

Sir:

Transmitted herewith in triplicate is the Reply Brief in this application with respect to the Notice of Appeal filed on June 26, 2003.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: 9/8/03

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Date of Deposit: September 8, 2003

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to: Board of Patent Appeals & Interferences, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynda K. Selig



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REPLY BRIEF

Sir:

This in response to new points raised by the Examiner in Examiner's Answer.

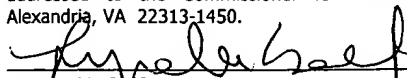
Examiner contends that, in order to operate the switch on the side of the mouse in the cited reference, the user must use the thumb. But of course, the cited reference probably operates in a different fashion. Namely, when the user wants to change the speed setting, the user simply adjusts the speed setting switch *without* positioning the user's forefingers on the mouse buttons. Then the user uses the mouse buttons with the preset speed position.

With the claimed invention, it is possible to operate the mouse buttons and change the cursor speed at the same time. This is an operation nowhere contemplated or suggested in the cited reference. The Examiner's suggestion that the thumb must be used to operate the button is wrong. Any finger could be utilized to operate the switch, since the switch is probably operated before beginning operation of the mouse itself through the mouse buttons.

The examiner suggests that it might be possible to reach the switch on the cited reference while still having the forefingers on the mouse buttons. This is literally a "stretch", or, as

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Lynda K. Self

Examiner calls it, a contortion. The claim calls for a control to enable the user to manually change the rate at which the cursor image moves in response to movement of said body, said control positioned to lie under the user's thumb when the body is positioned in the user's hand. There is no way to position the body within the user's hand, and still get the thumb up on the mouse button. It simply does not work, contortion aside, absent some ability to bend the user's forefingers backwardly. As to the citation of the *Japikse* case, if it were true that "no invention shifting the location of parts to a different position" is patentable, there would be no reason to continue operation of the patent office because nothing will be patentable in the future.


As to the suggestion that the operation of the device is not modified by the claimed arrangement, nothing could be further from the truth. The claimed arrangement allows the switch and the mouse buttons to be operated at the same time, a virtual impossibility with the cited reference absent some contortion that only the Examiner can appreciate.

Therefore, the rejection should be reversed.

Respectfully submitted,

Date: _____

9/8/03



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